

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SEAN GALLAGHER, PIAGET VENTUS,  
NICOLE ASCENSIO, IANOS ORTEGA,  
individually on behalf of all similarly situated  
individuals,

*Plaintiffs,*

v.

NATIONAL RESTAURANT ASSOCIATION  
SOLUTIONS, LLC; NATIONAL RESTAURANT  
ASSOCIATION D/B/A SERVSAFE, and any other  
related entities and individuals

*Defendants.*

No. 1:23-cv-00435 (LGS)

**JOINT STATUS REPORT**

Pursuant to this Court's May 15, 2023 Order (ECF No. 24), Plaintiffs Sean Gallagher, Piaget Ventus, Nicole Ascensio and Ianos Ortega, individually and on behalf of all others similarly situated ("Plaintiffs") and Defendants National Restaurant Association Solutions, LLC and National Restaurant Association d/b/a ServSafe ("Defendants") jointly submit this status report and state as follows:

The procedural history and background of this matter is summarized in the parties' March 29, 2023, Rule 26(f) report to the Court (ECF No. 14).

With respect to mediation, as noted in the parties May 24, and June 23, 2023, Joint Status Reports (ECF Nos. 25 and 29), the parties have engaged JAMS mediator Hon. Morton Denlow (Ret.) for a full-day mediation session on Aug. 15, 2023.

The parties have continued to negotiate and confer regarding potential settlement leading up to the mediation. The parties have exchanged Judge Denlow's joint checklist and will be exchanging their mediation statements by close of business on July 26.

The parties' next joint status report will be filed on or before August 18, 2023, as per the Court's Order (ECF No. 28). In the event that mediation is unsuccessful, the parties will file their proposed discovery plan and proposed briefing schedule for Defendants' motion to compel arbitration.

Dated: July 26, 2023

Respectfully submitted,

*/s/ Michael A Tompkins*  
Michael A. Tompkins  
LEEDS BROWN LAW, P.C.  
One Old Country Road - Suite 347  
Carle Place, NY 11514  
T 516.873.9550  
[mtompkins@leedsbrownlaw.com](mailto:mtompkins@leedsbrownlaw.com)

*Attorney for Plaintiffs and Putative Class Members*

*/s/ Lewis S. Wiener*  
Lewis S. Wiener

EVERSHEDS SUTHERLAND (US) LLP  
Lewis S. Wiener  
700 Sixth Street, NW, Suite 700  
Washington, DC 20001-3980  
Telephone: 202-383-0140  
Facsimile: 202-637-3593  
Email: [lewiswiener@eversheds-sutherland.com](mailto:lewiswiener@eversheds-sutherland.com)

Ronald W. Zdrojeski  
Amy R. Albanese  
1114 Avenue of the Americas, 40th Floor  
New York, New York 10036  
Telephone: (212) 389-5000  
Facsimile: (212) 389-5099  
Email: [ronzdrojeski@eversheds-sutherland.com](mailto:ronzdrojeski@eversheds-sutherland.com)

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 26, 2023, a copy of the foregoing JOINT STATUS REPORT was filed with the Court's ECF system and served on counsel for all parties of record.

*/s/ Lewis S. Wiener*  
Lewis S. Wiener